

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MEMPHIS
April 27, 2010

3:30 P.M. SCHEDULED SESSION

3:30 P.M. MEETING COMMENCED

ROLL CALL: Joe Brown, William Boyd, Kemp Conrad, Shea Flinn, Edmund Ford, Jr., Janis Fullilove, Wanda Halbert, Reid Hedgepeth, Myron Lowery, Bill Morrison, Jim Strickland, Barbara Swearengen Ware and Chairman Harold Collins

**THE MEETING WAS CALLED TO ORDER
BY SERGEANT-AT-ARMS**

INVOCATION

The meeting was opened with prayer by Pastor Stephen Brown from Light of the Glory International Church. Councilwoman Ware presented Pastor Brown with a certificate naming him Chaplain of the day.

These minutes record the agenda items and the action taken by the Council on such items. The full text of the original of the ordinances, resolutions and supporting documents, including an audio recording of Council's deliberations are filed and maintained in the office of Council Records/Records Management, Room 2B-08. The original ordinances and/or resolutions adopted by the Council shall control in the event of any conflict between the description in these minutes and the original documents, ordinances and/or resolutions.

MINUTES

Approval of the Minutes of the regular meeting of April 13, 2010 with the following motion:

MOTION: Ford
SECOND: Morrison
AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman Collins

APPROVED

1. **BUDGET PRESENTATION BY MAYOR WHARTON.**

No vote was necessary

2. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE SOUTHEAST CORNER OF FRAYSER BOULEVARD AND OVERTON CROSSING ROAD, CONTAINING 2,725.50 SQ. FT. OF 8.32 ACRES AND IS CURRENTLY GOVERNED BY MEMPHIS BUSINESS ACADEMY PLANNED DEVELOPMENT (P.D. 09-326).**

Case No. PD 10-305

Applicants: Tower Ventures V, LLC
Prime Development Group, Inc. – Representative

Request: Plan amendment to allow a cellular communications tower one-hundred sixty (160) feet in height with flush-mount antennae as an accessory structure

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Ford
SECOND: Fullilove
AYES: Boyd, Conrad, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison,
Strickland, Ware and Chairman Collins
Flinn recused
Brown did not cast a vote

APPROVED

3. **ORDINANCE REZONING THE NORTHWEST CORNER OF NORTH BELLEVUE AND SMITH AVENUE, CONTAINING 0.26 (11,325.60 SQ. FT.) IN THE LOCAL COMMERCIAL (C-L) DISTRICT, UP FOR T H I R D AND F I N A L READING.** (Held from 1/26; 2/23; 3/23)

Ordinance No. 5342

Case No. Z 09-107

Chairman Collins recognized the following persons who spoke from the audience:

Daisy Jamison, 1136 Capital, Mphs, TN 38107
Randall Swaney, 746 Pisgah Rd., Eads, TN 38028
Rev. Ivory Swindle, 1377 N. Bellevue, Mphs, TN 38107
Christopher Walton, 1289 N. Bellevue, Mphs, TN 38107

Applicant: Wolf River Site Development, LLC

Request: Highway Commercial (C-H) District

LUCB and OPD recommendation: REJECTION

MOTION: Conrad – Send back to LUCB to be converted to a Use Variance. If the business closes, the billboard will be taken down
SECOND: Strickland

After the motion was made by Councilman Conrad, Councilman Lowery asked the maker of the motion to withdraw his motion. Councilman Conrad stated that he would not withdraw his motion

AYES: Conrad, Halbert, Hedgepeth, Morrison and Strickland
NAYS: Boyd, Ford, Fullilove, Lowery, Ware and Chairman Collins
Flinn recused
Brown did not cast a vote

FAILED, set up as Special Item #1

MAIN MOTION: Ford
SECOND: Boyd
AYES: Boyd, Ford, Fullilove, Lowery, Ware and Chairman Collins
NAYS: Conrad, Halbert, Hedgepeth, Morrison and Strickland
Flinn recused
Brown did not cast a vote

FAILED

CONSENT AGENDA – Items 4-10 may be acted upon by one motion: SEE PAGE 1462 FOR ROLL CALL

4. **ORDINANCE TO AMEND CHAPTER 15, TO REGULATE DISPOSAL OF ITEMS BY PROPERTY OWNERS THAT DO NOT PAY SOLID WASTE DISPOSAL FEES, UP FOR F I R S T READING.**

Ordinance No. 5353

APPROVED, on First reading

5. **ORDINANCE TO AMEND CHAPTER 21, MOTOR VEHICLES AND TRAFFIC, ARTICLE IX, INSPECTION OF VEHICLES TO REQUIRE ANNUAL INSPECTION ONLY FOR VEHICLES FOUR (4) YEARS OLD OR OLDER, UP FOR S E C O N D READING.**

Ordinance No. 5351

APPROVED, on Second reading

6. **ORDINANCE AMENDING CHAPTER 21, ARTICLE V, CODE OF ORDINANCES, CITY OF MEMPHIS, TO UPDATE REGULATIONS REGARDING THE OPERATION OF BICYCLES WITHIN THE CITY OF MEMPHIS, UP FOR S E C O N D READING.**

Ordinance No. 5352

APPROVED, on Second reading

7. **ORDINANCE AMENDING THE JOINT MEMPHIS AND SHELBY COUNTY ZONING ORDINANCE – REGULATIONS ADOPTED BY THE SHELBY COUNTY BOARD OF COMMISSIONERS ON OCTOBER 6, 1980, AND THE CITY COUNCIL OF THE CITY OF MEMPHIS ON OCTOBER 7, 1980, BEING RESOLUTION AND ZONING ORDINANCE NO. 3064, AS AMENDED, UP FOR S E C O N D READING.**

Ordinance No. 5340
Case No. ZTA 09-002cc

APPROVED, on Second reading

8. **RESOLUTION ACCEPTING THE OAKS AT APPLING PD, AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 02-336cc
(Contract No. CR-4793)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the west side of Appling Rd., 1132.37' south of Goodlett Farms Pkwy. The standard improvement contract was approved on May 20, 2003. Resolution also authorizes the release of the letter of credit in the amount of \$100,000.00. This action is subject to county approval.

City Engineer recommends approval

APPROVED

9. **RESOLUTION CONGRATULATING BRIA SANDERS ON BEING NAMED GOLF DIGEST'S SCHOLAR OF THE YEAR.**

APPROVED

10. **RESOLUTION CONGRATULATING SHANNON AND KIP BARNETT ON THE BIRTH OF THEIR DAUGHTER, HADLEY CLAIRE BARNETT.**

APPROVED

ROLL CALL CONSENT ITEMS

MOTION: Ford
SECOND: Flinn
AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Lowery, Morrison, Strickland, and Ware
Chairman Collins and Hedgepeth did not cast a vote

APPROVED

MLGW FISCAL CONSENT – Items 11, 13, & 15-20 may be acted upon by one motion:

11. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 11213, METER DATA MANAGEMENT SYSTEM, WITH ITRON, INC. IN THE FUNDED AMOUNT OF \$16,501.19, FOR A NEW CONTRACT VALUE OF \$507,354.49. (THIS CHANGE RATIFIES PREVIOUS INVOICE PAYMENTS FOR TRAVEL IN THE AMOUNT OF \$13,373.59 AND AUTHORIZES PAYMENT OF INVOICES FOR TRAVEL IN THE AMOUNT OF \$3,127.60). (Held from 4/13)**

Chairman Collins recognized the following person who spoke from the audience:

Bill Hawkins, 4000 Clearpool Circle, Mphs, TN 38118

APPROVED

12. **RESOLUTION AWARDED CONTRACT NO. 11371, UPS/PDU ELECTRIC OPERATIONS MAINTENANCE, TO ELECTRONIC POWER SYSTEMS, INC. IN THE FUNDED AMOUNT OF \$52,650.00.**

Back to Committee on May 11, 2010

13. **RESOLUTION APPROVING CHANGE NO. 9 TO CONTRACT NO. 10783, EMERGENCY AID AGREEMENT, WITH DILLARD SMITH CONSTRUCTION IN THE FUNDED AMOUNT OF \$62,109.39. (THIS CHANGE COVERS PAYMENT FOR WORK PERFORMED DUE TO THE STORM OF JANUARY 30, 2010).**

APPROVED

14. **RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 10929, LICENSING AGREEMENT BETWEEN MLGW AND E-SOURCE, INC. IN THE FUNDED AMOUNT OF \$24,320.00, FOR A NEW CONTRACT VALUE OF \$1,589,967.47. (THIS CHANGE PROVIDES ACCESS TO ALL MATERIALS, REPORTS, RESEARCH, BEST PRACTICES AND INQUIRIES FROM INTELLIGENT GRID SERVICE COVERING THE PERIOD MAY 1, 2010 TO APRIL 30, 2011, AND ACCOMMODATES MLGW'S SMART GRID DEMONSTRATION PROJECT DEVELOPMENT AND IMPLEMENTATION NEEDS TO EFFECTIVELY AND EFFICIENTLY DEVELOP AND IMPLEMENT THE PROJECT).**

Back to Committee on May 11, 2010

15. **RESOLUTION AWARDED CONTRACT FOR THREE FRONT-MOUNTED TRUCK WINCHES TO SCRUGGS EQUIPMENT COMPANY, INC. IN THE AMOUNT OF \$50,572.02.**

APPROVED

16. RESOLUTION AWARDING CONTRACT FOR UTILITY BODIES, AS FOLLOWS:

Aerial Truck Equipment Company, Inc.....	\$56,634.00
Scruggs Equipment Company, Inc.....	<u>27,165.00</u>
Total.....	<u>\$83,799.00</u>

APPROVED**17. RESOLUTION AWARDING CONTRACT FOR CABS AND CHASSIS TO DIAMOND INTERNATIONAL TRUCKS IN THE AMOUNT OF \$1,250,044.00.****APPROVED****18. RESOLUTION AWARDING CONTRACT FOR TWO MULTI-POWER UNITS TO SCRUGGS EQUIPMENT COMPANY, IN THE AMOUNT OF \$103,718.00.****APPROVED****19. RESOLUTION AWARDING CONTRACT FOR TRUCKS, VANS AND SEDANS, AS FOLLOWS:**

Dobbs Ford, Inc.....	\$2,092,100.00
Cardinal Chrysler Jeep Dodge, Inc.....	<u>39,938.30</u>
Total.....	<u>\$2,132,038.30</u>

APPROVED**20. RESOLUTION APPROVING A SMART GRID INVESTMENT GRANT ASSISTANCE AGREEMENT BETWEEN MLGW, ACTING FOR ITSELF AND ON BEHALF OF THE CITY OF MEMPHIS, AND THE UNITED STATES DEPARTMENT OF ENERGY (DOE), PROVIDING THE ARRANGEMENTS PURSUANT TO COST SHARING FOR THE IMPLEMENTATION OF A COMMUNICATIONS AND CONTROL SYSTEM FOR MLGW'S NETWORK ELECTRIC DISTRIBUTION SYSTEM WHEREBY MLGW IS ELIGIBLE FOR REIMBURSEMENT FOR UP TO \$5,063,469.00 IN FEDERAL FUNDS OVER THREE YEARS TO COMPLETE THE PROJECT. THE TOTAL ESTIMATED COST OF THE PROJECT IS \$13,112,363.00.****APPROVED****MLGW ROLL CALL CONSENT ITEMS**

MOTION: Brown – Send Items 12 and 14 back to Committee for discussion, with objection
SECOND: Halbert

There was objection, so a vote was taken

AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert and Chairman Collins

NAYS: Hedgepeth, Lowery and Morrison
Strickland and Ware did not cast a vote

APPROVED, items 12 and 14 will be sent back to Committee on May 11, 2010. Set up as Special Item #2

MAIN MOTION: Fullilove
SECOND: Ware
AYES: Boyd, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison,
Strickland and Chairman Collins
Brown and Ware did not cast a vote

APPROVED, with the exception of Items 12 and 14

21. **ORDINANCE TO CREATE THE CITY OF MEMPHIS ALCOHOL IMPACT AREA, UP FOR T H I R D AND F I N A L READING.** (Held from 4/13)

Ordinance No. 5349

Chairman Collins recognized the following person who spoke from the audience:

Rosalyn Robinson, 62 N. Main St., Apt. #213, Mphs, TN 39103

Held to May 11, 2010

22. **RESOLUTION AMENDING THE FY2010 CAPITAL IMPROVEMENT BUDGET BY CREATING RAILROAD CROSSING IMPROVEMENTS AT BELZ BOULEVARD AND CN RAILROAD, PROJECT NUMBER EN01033. RESOLUTION TO ACCEPT A GRANT FROM THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$18,760.00 FOR ENGINEERING DESIGN. RESOLUTION AMENDING THE FY2010 CAPITAL IMPROVEMENT BUDGET BY ESTABLISHING AN ALLOCATION OF \$18,760.00 AND APPROPRIATING \$18,760.00 FOR ENGINEERING DESIGN FUNDED BY THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION FOR RAILROAD CROSSING IMPROVEMENTS AT BELZ BOULEVARD AND CN RAILROAD, PROJECT NUMBER EN01033.**

City Engineer recommends approval

MOTION: Hedgepeth
SECOND: Ford
AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery,
Morrison, Strickland, Ware and Chairman Collins

APPROVED

23. **RESOLUTION SEEKING THE APPROVAL AND GRANT OF A PERMANENT CONSERVATION EASEMENT ON 38.845 ACRES NAMED BETHANY TRACT WETLAND MITIGATION. THE 38.845 ACRES IS A PORTION OF A 620 ACRE TRACT PURCHASED IN 1996 BY THE CITY OF MEMPHIS AND COUNTY OF SHELBY FOR THE USE AND BENEFIT OF THE CHICKASAW BASIN AUTHORITY. THE 38.845 ACRE TRACT IS TO BE USED FOR REQUIRED WETLAND MITIGATION IN TEN PROJECTS IN SHELBY COUNTY, INCLUDING RIVERFRONT DEVELOPMENT CORPORATION PROJECT BEALE STREET LANDING (1.8 ACRES) AND CITY OF MEMPHIS HOLMES ROAD IMPROVEMENTS (3.15 ACRES).**

MOTION: Hedgepeth

SECOND: Ford

AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman Collins

APPROVED

24. **RESOLUTION APPROVING THE FY2011 CONSOLIDATED PLAN AND ACCEPTING AND APPROPRIATING ANTICIPATED FY2011 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS IN THE AMOUNT OF \$8,768,683.00, CDBG PROGRAM INCOME IN THE AMOUNT OF \$2,203,420.00, HOME FUNDS IN THE AMOUNT OF \$4,921,520.00, HOME PROGRAM INCOME IN THE AMOUNT OF \$20,000.00, EMERGENCY SHELTER GRANT (ESG) FUNDS IN THE AMOUNT OF \$357,054.00, AND HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA) FUNDS IN THE AMOUNT OF \$1,701,201.00 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) TO THE FY2011 BUDGET FOR THE DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT.**

MOTION: Brown

SECOND: Ware

AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman Collins

APPROVED

25. **RESOLUTION AMENDING THE FY10 OPERATING BUDGET BY ACCEPTING AND APPROPRIATING GRANT FUNDS IN THE AMOUNT OF \$20,000.00 FROM MEMPHIS SECOND CHANCE INC. FOR THE CITY OF MEMPHIS SECOND CHANCE PROGRAM TO PROCURE THE SOFTWARE, HARDWARE, AND ANY TRAINING REQUIRED TO IMPLEMENT THE CASE MANAGEMENT AND TRACKING SYSTEM.**

MOTION: Ware

SECOND: Ford

AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman Collins

APPROVED

MOTION: Flinn – Suspend the rules for the purpose of bringing a resolution to the floor that was considered in Executive Session regarding the naming of the fairgrounds

SECOND: Ford

Chairman Collins stated that without objection. There was objection, so a vote was taken

AYES: Boyd, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth and Ware

NAYS: Brown, Lowery, Morrison, Strickland and Chairman Collins

APPROVED, rules suspended, set up as Special Item #4

MOTION: Lowery – add at Liberty Bowl Memorial Stadium

SECOND: Fullilove

AYES: Ford, Fullilove, Lowery and Strickland

NAYS: Boyd, Brown, Conrad, Flinn, Halbert, Hedgepeth, Morrison, Ware and Chairman Collins

FAILED, set up as Special Item #5

MAIN MOTION: Hedgepeth – Approve the name Tiger Lane that was approved in Executive Session

SECOND: Ware

AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Ware and Chairman Collins

NAYS: Lowery, Morrison and Strickland

APPROVED, set up as Special Item #3

Councilman Hedgepeth wanted same night minutes approved on the above item, (Special Item #3), but Chairman Collins stated that without objection that we hold the approval of the minutes so we can do things properly

MINUTES

Approval of the Minutes of the regular meeting of April 27, 2010 for item #20 with the following motion:

MOTION: Ware

SECOND: Fullilove

AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman Collins

APPROVED, set up as Special Item #6

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

Chairman Collins recognized the following people who spoke from the audience:

Bill Hawkins, 4000 Clearpool Circle, Mphs, TN 38118
Don Strenel, 648 Riverside Dr., Apt. #402, Mphs, TN 38103
Diane Townsend, 3588 Big Tree Cove, Mphs, TN 38128

ADJOURNED MEETING AT 6:10 P.M.

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Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the Chairman.

C H A I R M A N

Attest:

Deputy Comptroller/Council Records